

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

## Amend Section 502

# Title 14, California Code of Regulations

Re: Waterfowl, Migratory; American Coot; and Common Moorhen (Common Gallinule)

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|------|--|--|
| I.   | Date of Initial Statement of Reasons:      | May 18, 2006                                     |
| II.  | Date of Pre-adoption Statement of Reasons: | August 7, 2006                                   |
| III. | Date of Final Statement of Reasons:        | August 31, 2006                                  |
| IV.  | Dates and Locations of Scheduled Hearings: |  |
|      | (a) Notice Hearing:                        | Date: June 23, 2006<br>Location: Mammoth Lakes   |
|      | (b) Discussion Hearing                     | Date: August 3-4, 2006<br>Location: Sacramento   |
|      | (c) Adoption Hearing:                      | Date: August 24, 2006<br>Location: Santa Barbara |
| V.   | Update:                                    |  |

The originally proposed language contained a range of season lengths and daily bag limits. These proposals were modified from the version in the Initial Statement of Reasons to reflect the Department's regulation recommendations consistent with the Federal frameworks as established July 31, 2006. Federal frameworks specify that the general duck seasons may be as long as 107 days in the Pacific Flyway with a 7-bird daily duck bag limit (including Mallards); that the pintail and canvasback seasons could be as long as the general duck season with a 1-bird bag limit; and that other proposals from California (listed in the Initial Statement of Reasons) were accepted.

In addition, in response to public recommendations, five changes from the Initial Statement are incorporated herein relative to season length and bag limits. 1) In the Balance of State and Southern San Joaquin Valley zones, the original recommendation was a daily bag limit of 3 Large Canada geese and the revised proposal is for a 4-bird daily bag limit of Large Canada geese in these zones.

2) In the Southern San Joaquin Valley Zone, the original recommendation was for a duck season of between 38 and 100 days; the revised proposal increases the length of duck season in that Zone to 102 days. 3) The proposal to split the duck season in the Southern San Joaquin Valley Zone in combination with the proposed regulations for falconry hunting in that Zone, would result in hunting in excess of the 107 days allowed under Federal frameworks; the proposal is amended to recommend falconry hunting for ducks only. 4) The proposal for 107 days of hunting for Small Canada geese in the North Coast Special Management in combination with the proposed regulation for falconry in the Balance of State Zone (the North Coast Special Management Area is within the Balance of State Zone) causes a conflict with Federal falconry regulations, and falconry regulations are proposed to change in the North Coast Special Management Area to provide separate limits and seasons for ducks and geese taken by falconry in the Special Management Area. 5) The original proposal included a recommendation for a Late Season (February 24 –March 10) hunt for Small Canada geese in the North Coast Special Management Area to address depredation problems on private lands. The proposal is revised to stipulate that hunting during this late season can occur only on private lands.

**At its August 24, 2006 meeting, the Commission adopted the following season lengths, dates and daily bag limits:**

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
<b>Statewide</b>	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
<b>Northeastern Zone</b>	Ducks	Oct 7 - Jan 19	7/day, <b>7 mallards, 2 hen mallards</b> , 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 7 – Jan 14	4/ day, up to 4 white geese, up to 4 white-fronts, up to 2 Large Canada geese, only 1 Small Canada goose. Possession limit double the daily bag.
<b>Southern San Joaquin Valley Zone</b>	Ducks	Oct 7 – Oct 29 and Nov 11 – Jan 28	7/day, <b>7 mallards, 2 hen mallards</b> , 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 28	4/ day, up to 4 white geese, up to 4 white-fronts, up to 4 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
<b>Colorado River Zone</b>	Ducks	Oct 20 – Jan 28	7/day, <b>7 mallards, 2 hen mallards</b> or Mexican-like ducks, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 20 – Jan 28	6/ day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
<b>Southern California Zone</b>	Ducks	Oct 21 – Jan 28	7/day, <b>7 mallards, 2 hen mallards</b> , 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 28	5/day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
<b>Balance of State Zone</b>	Ducks	Oct 21 – Jan 28	7/day, <b>7 mallards, 2 hen mallards</b> , 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 28	4/ day, up to 4 white geese, up to 4 white-fronts, up to 4 Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
<b>SPECIAL AREA REGULATIONS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
North Coast	All Canada Geese	Oct 31 – Jan 28 and Feb 24 – Mar 10, except for Large	4/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.

		Canada geese which are closed after the last Sunday in January. Only private lands are open to hunting during any season beyond the last Sunday in January.	
South Humboldt Bay	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	Closed after Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Nov 4 – Dec 3	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	<b>Nov 12 – Dec 11</b>	2/day. Possession limit double the daily bag.
<b>YOUTH HUNTING DAYS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
<b>FALCONRY TAKE OF DUCKS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
Northeastern Zone	Same as regular season	Oct 7 – Jan 19	3/ day, possession limit 6
Balance of State Zone	Same as regular season.	Oct 21 – Feb 4	
North Coast Special Management Area	Ducks	Oct 21 – Feb 4	
	Geese	Concurrent with Small Canada goose season. See 502(d)(5)(D)1	
Southern San Joaquin Valley Zone	Ducks only	Concurrent with duck season and Jan 29-31	
Southern California Zone	Same as regular season	Oct 21 – Feb 4	
Colorado River Zone	Ducks only	Oct 20 – Feb 2	

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting those considerations:

- (a) Description of Proposed Action by Public: Recommends banning spinning-wing (moto-duck, robo-duck) decoys.

Proposal Source:

Virginia Handley, Animal Switchboard, CA (testimony 6/23/06)

Mel McKinney, Little River, CA (email 2/7/06)

Cliff Feldheim, West Sacramento (email received 8/18/06)  
Matt Thompson, Chico, CA (email received 8/17/06)  
Eric Mills, Oakland, CA (testimony 8/24/06)

Recommendation: Reject.

Analysis: The Commission addressed this issue in 2002. Currently, biological information is not sufficient to conclude that it is necessary to regulate this method of take beyond the existing regulation.

- (b) Description of Proposed Action by Public: Recommends a split waterfowl season in the Southern San Joaquin Valley Zone that opens prior to October 21 and again the first part of November.

Proposal Source: Arthur Spalding, Wasco, CA (testimony 6/23/06)

Recommendation: Accept.

Analysis: An earlier opening date, with a split season, will result in the provision of more flooded habitat for migratory birds, including waterfowl, for a longer period of time. There will be a slight reduction in public hunting opportunity on Kern National Wildlife Refuge because water deliveries to this area are lower in late September and early October and fewer acres are normally flooded on that National Wildlife Refuge in early October. Additionally, splitting the duck season in the Southern San Joaquin Valley Zone would require a change in the proposed language for falconry in this Zone because as proposed, in combination with a split season, more than 107 days of hunting would occur in violation of Federal guidelines.

- (c) Description of Proposed Action by Public: Recommends the Black Brant season be increased to 30-days and occur from November 10 through December 9.

Proposal Source: Ted Romo, Eureka, CA  
(letter with 77 signatures on petition received 7/14/06; letter dated 8/12/06; and testimony 8/3/06 and 8/24 /06)  
Gene Johe, Morro Bay, CA (testimony 8/24/06)  
Greg Susich, Eureka, CA (letter received 8/18/06)

Recommendation: Accept with modification.

Analysis: The Federal frameworks allow the Black Brant season to be increased to 30 days in response to an improvement in their population level and consistent with the Management Plan for this population. The

Department is recommending a 30 day season that begins on the first Saturday in November (November 4) in the Northern Brant Special Management Area. Brant seasons were moved from February to November in 1983 in an effort to increase the number of Black Brant that occur in California in January as measured by the Midwinter Waterfowl Survey. During the late 1970s and early 1980s virtually no Brant were detected in California during this survey; with the switch to the fall season, winter counts have slowly increased. The season dates were changed to November 10 to December 9 in 1998 and winter counts of Black Brant at Humboldt Bay declined for 5 years following that small change in season dates. Flyway management plan goals include a distributional objective of 10,000 Black Brant in California, including 5,000 in Humboldt Bay, 3,000 in Tomales Bay, and 2,000 in Morro Bay. Current indices are at or near the goal for Morro Bay, about 50% of goal in Tomales Bay, but only about 25% of goal in Humboldt Bay. A start-date on a Saturday, rather than a fixed date, will maximize hunting opportunities on Humboldt Bay, the primary hunting area in the Northern Brant Special Management Area, where hunting on the water in the Bay is restricted to weekends and Wednesdays.

- (d) Description of Proposed Action by Public: Recommends the Department increase the Large Canada goose daily bag limit to 4 in the Balance of State zone and the Southern San Joaquin Valley zones.

Proposal Source: Bob McLandress, California Waterfowl Association, Sacramento, CA (letter dated 7/24/06)

Recommendation: Accept.

Analysis: The majority of Large Canada geese that occur in these zones are resident birds, mostly the result of natural range expansion. Many urban areas in these zones are experiencing nuisance problems from Large Canada geese, and to the extent that these birds leave urban areas in the fall, the very slight increase in harvest expected to result from an increase from 3/day to 4/day will help to alleviate the nuisance problem by reducing the number of geese very slightly. Further, with the increase in goose bag limits for other geese in these zones, the regulations will be simplified to be a total of 4 geese per day. The proposal is revised to increase the daily bag limit of Large Canada geese in these zones from 3/day to 4/day.

- (e) Description of Proposed Action by Public: Recommends that the waterfowl season in the Northeastern California Zone begin October 14.

Proposal Source: Gary Robeson, Cal-Ore Wetlands and Waterfowl Council, CA (letter dated 7/27/06)

Recommendation: Reject.

Analysis: The season dates in the Northeastern Zone are traditionally earlier than other zones in California because waterfowl migrated into this area earlier in the year. Additionally, previous public comment has recommended that this season open concurrently with the adjacent zones in Oregon, which will open on October 7.

- (f) Description of Proposed Action by Public: Recommends that the mallard limit be 5/day.

Proposal Source: Gary Robeson, Cal-Ore Wetlands and Waterfowl Council, CA (letter dated 7/27/06)  
Gary Dossey, Yuba City, CA (emailed received 8/17/06)

Recommendation: Reject.

Analysis: Population levels of mallards are above average and good recruitment is expected due to the wet spring in 2006. Estimates of breeding mallards in California in 2006 were up 26% compared to 2005 and are 7% above their long-term average. Mallards that originate in California comprise a majority of the mallard harvest in California. Surveys of mallards in the mid-continent region, where the bulk of the remaining mallards that winter in California originate, were similar to both last year and the long-term average. Bag limit changes at the upper levels (e.g. changing from 7 to 5) will not reduce harvest by a measurable level because nearly all hunters do not achieve the daily bag limit during each day's hunt. A bag limit reduction of 50% for hens will reduce hen harvest, but it is unknown if this level of decrease, when male mallards constitute the majority of the mallard harvest, will necessarily result in an improved mallard population in subsequent years.

- (g) Description of Proposed Action by Public: Recommends that the hen mallard limit be 1/day.

Proposal Source: Gary Robeson, Cal-Ore Wetlands and Waterfowl Council, CA (letter dated 7/27/06)  
Greg Damitz, Roseville, CA (email received 8/17/06)  
Brian Shobe, Santa Rosa, CA (email received 8/14/06)  
Cliff Feldheim, West Sacramento, CA (emailed received 8/18/06)  
Bill Gaines for CWA, Sacramento, CA (testimony 8/24/06)

Recommendation: Reject.

Analysis: Population levels of mallards are above average and good recruitment is expected due to the wet spring in 2006. Estimates of breeding mallards in California in 2006 were up 26% compared to 2005 and are 7% above their long-term average. Mallards that originate in California comprise a majority of the mallard harvest in California. Surveys of mallards in the mid-continent region, where the bulk of the remaining mallards that winter in California originate, were similar to both last year and the long-term average. Bag limit changes at the upper levels (e.g. changing from 7 to 5) will not reduce harvest by a measurable level because nearly all hunters do not achieve the daily bag limit during each day's hunt. A bag limit reduction of 50% for hens will reduce hen harvest, but it is unknown if this level of decrease, when male mallards constitute the majority of the mallard harvest, will necessarily result in an improved mallard population in subsequent years.

- (h) Description of Proposed Action by Public: Recommends that the hen mallard limit be 2/day.

Proposal Source:

Raymond Prothero, Vacaville, CA (emailed received 8/16/06)  
Matt Thompson, Chico, CA (emailed received 8/17/06)  
Larry Strasbaugh, San Luis Obispo (fax received 8/22/06)  
Mike Maier, Desert Pacific Wetland Alliance, Pasadena (letter dated 8/18/06)

Recommendation: Accept.

Analysis: This bag limit is within the Federal frameworks and is the Department's recommendation. Additional analysis is provided in response to comment (g) above.

- (i) Description of Proposed Action by Public: Recommends that the pintail limit be 2/day with no hens allowed.

Proposal Source:

Gary Robeson, Cal-Ore Wetlands and Waterfowl Council, CA (letter dated 7/27/06)  
Gary Dossey (2-day only), Yuba City, CA (email received 8/17/06)

Recommendation: Reject.

Analysis: Population levels of pintails increased significantly in 2006, however the Federal frameworks allow only 1 pintail per day. The U.S.

Fish and Wildlife Service developed a harvest strategy for pintails that specifies pintail daily bag limits. Many ducks are similarly colored in early fall, and pintail hens look very similar to hens of other species. As a result, if the take of female pintails were prohibited, inadvertent violations would likely result, with little or no biological impact to the pintail population. This is because male pintails already comprise about 80% of the pintail harvest with a 1-bird daily bag.

- (j) Description of Proposed Action by Public: Recommends that the duck season be 105 days in the Northeastern Zone.

Proposal Source: Gary Robeson, Cal-Ore Wetlands and Waterfowl Council, CA (letter dated 7/27/06)

Recommendation: Accept.

Analysis: This season length fits within the Federal frameworks and is the Department's recommendation.

- (k) Description of Proposed Action by Public: Supports the late season for Aleutian Canada geese in the North Coast Special Management area and the need to close public areas to provide an alternate habitat for the geese during the late season.

Proposal Source:

Walter L. Mansell, California Rifle and Pistol Association, Fullerton, CA (letter dated 7/25/06 and testimony 8/3/06 and 8/24/06)

Blake Alexandre, Aleutian Goose Working Group, Crescent City, CA (letter dated 6/13/06)

Mitch Farro, Pacific Coast Wildlife and Wetlands Restoration Association, Arcata, CA (letter received 8/18/06)

Barry Bushue of Oregon Farm Bureau, Salem, OR (letter received 8/21/06)

Marla Rae, Oregon Fish and Wildlife (fax received 8/22/06)

Sandra Jerabek, Crescent City, CA (fax received 8/22/06)

Recommendation: Accept.

Analysis: This season length fits within the Federal frameworks and is the Department's recommendation. The proposal is revised to stipulate a closure of public lands during the late season hunt. Additionally, this proposal necessitates a change in Balance of State Zone falconry regulations to comply with Federal regulations that permit no more than 107 days of hunting, by any method, for each species of migratory game bird.



- (l) Description of Proposed Action by Public: Recommends that the daily bag limit for mallards be 7/day.

Proposal Source: Kurt Baer, Citrus Heights, CA (email dated 8/1/06)  
Wayne Bonnington, Clyde, CA (email dated 8/21/06)  
Marty Andrews, Sacramento, CA (letter received 8/16/06)  
John Kelleher, El Macero, CA (letter received 8/16/06)  
Brian Shobe, Santa Rosa, CA (email received 8/14/06)  
Raymond Prothero, Vacaville, CA (email received 8/16/06)  
Greg Damitz, Roseville, CA (email received 8/17/06)  
Rick Trivett, Roseville, CA (letter received 8/15/06)  
Matt Thompson, Chico, CA (email received 8/17/06)  
Bill Gaines for CWA, Sacramento, CA (testimony 8/24/06)  
Mike Maier, Desert Pacific Wetland Alliance, Pasadena, CA (letter dated 8/18/06)  
Tom Orgain, San Francisco, CA (email received 8/15/06)

Recommendation: Accept.

Analysis: This bag limit is within the Federal frameworks and is the Department's recommendation. Additional analysis is provided in response to comment (f) above.

- (m) Description of Proposed Action by Public: Recommends that the duck season in the Southern San Joaquin Valley Zone occur from October 7 through October 29 and from November 11 through January 28.

Proposal Source: Bill Gaines, California Outdoor Heritage Alliance, Sacramento, CA (testimony 8/3/06)  
Arthur Spaulding and petition with 15 signatures, Tulare Basin Wetlands Association, CA (letter dated 08/01/06)

Recommendation: Accept.

Analysis: This is more specific but consistent with recommendation (b) above; see that recommendation for analysis. The proposal regulations are revised to increase the maximum duck season length in this zone from 100 to 102 days. Additionally, splitting the duck season in the Southern San Joaquin Valley Zone would require a change in the proposed language for falconry in this Zone because as proposed, in combination with a split season, more than 107 days of hunting would occur in violation of Federal guidelines.

- (n) Description of Proposed Action by Public: Recommends that the Black Brant season in the Balance of State Black Brant Special Management Area be 30 days in length beginning on the second Sunday in November.

Proposal Source: Fred Harpster, Morro Bay, CA (testimony 8/3/06)

Recommendation: Accept.

Analysis: See analysis in recommendation (c) above.

- (o) Description of Proposed Action by Public: Recommends a complete ban on all waterfowl hunting in Morro Bay.

Proposal Source: Mandy Davis, Morro Bay, CA (testimony 8/3/06)

Recommendation: Reject.

Analysis: Current regulations provide for reduced-shooting hours (later morning start times) and a substantial hunting closure area in Morro Bay. The limited amount of hunting in Morro Bay is consistent with the conservation of wildlife and the provision of recreational opportunity.

- (p) Description of Proposed Action by Public: Recommends longer falconry seasons and increased daily bag limits.

Proposal Source: Thomas Stephan, California Raptor Awareness Group  
**NO ADDRESS** (email 12/26/05)

Recommendation: Reject.

Analysis: The Migratory Bird Treaty Act and Federal regulations stipulate that hunting by all methods for any species can not exceed 107 days. Current Federal frameworks allow up to 107 days for hunting with guns (the general season). In order to provide days for falconry-hunting only, regular seasons would have to be shortened. There are approximately 45,000 gun hunters in California, compared to far less than 1,000 individuals permitted to use falconry. Federal frameworks also restrict the take of birds by falconry to 3/day; the proposed regulations include this maximum daily bag limit as allowed under the Federal rules.

- (q) Description of Proposed Action by Public: Recommends that the Southern California zone waterfowl regulations are as liberal as allowed under the Federal frameworks, that duck seasons conclude on the last Sunday in January.

Proposal Source:

Victor M. Carrillo, Chair, Imperial County Board of Supervisors, El Centro CA (letter dated 6/20/06)

Mike Maier, Desert Pacific Wetland Alliance, Pasadena, CA (letter dated 6/7/06)

Larry Strasbaugh, San Luis Obispo, CA (fax received 8/22/06)

Recommendation: Accept.

Analysis: This season timing and length fits within the Federal frameworks and is the Department's recommendation.

- (r) Description of Proposed Action by Public: Recommends that archery hunting for waterfowl be prohibited.

Proposal Source: Virginia Handley, Animal Switchboard, CA (testimony 6/23/06)

Recommendation: Reject.

Analysis: Archery hunting is an approved method of take in both the Federal frameworks and the existing regulations. No evidence is presented that there is a biological impact to populations from this method of take.

- (s) Description of Proposed Action by Public: Recommends changing the name and description of the South Humboldt Bay Closure area.

Proposal Source: Bill Gaines, California Outdoor Heritage Alliance, Sacramento, CA (facsimile received 8/7/06)

Recommendation: Reject.

Analysis: The South Humboldt Bay Closure area was implemented in 1980 to discourage pass shooting of Black Brant as they fly into South Humboldt Bay from the ocean. Unacceptably high crippling rates of Black Brant were documented from this hunting practice. The proposal to change the name from South Humboldt Bay Closure to "West South Jetty Dune and Beach Closure" is unnecessary because this is the first such comment in 25 years and has caused no confusion to the Department's knowledge and the closure area is well known by the limited number of Black Brant hunters. The proposal to change the precise definition of the closure area to a general one ("dunes and beaches to the West of South Jetty Road") is incomplete as it does not describe a north or south end to

the closure area. An incomplete closure area definition would be difficult to enforce.

- (t) Description of Proposed Action by Public: Opposes Aleutian Canada goose late season depredation hunt.

Proposal Source: Barbara French and Elli Kimbauer, Crescent City, CA (email received 8/12/06 and 8/14/06)

Recommendation: Reject.

Analysis: Aleutian Canada geese are now feeding primarily on privately-owned pastures in Humboldt and Del Norte counties during the spring. Private landowners are concerned that unimpeded population growth of Aleutian Canada geese is affecting the amount of grass available for livestock. The Aleutian Canada goose population has grown from about 800 birds in 1976 to approximately 100,000 in 2005. The current population exceeds the population goal of 60,000 called for in the Flyway Management Plan. The Aleutian Canada goose was listed as Endangered until 1991 and was removed from the list of Threatened species in 2001. The proposed change is intended to slow or eliminate population growth and reduce depredation on private lands through hunting activity while maintaining existing goose distribution in California.

- (u) Description of Proposed Action by Public: Recommends a daily bag limit of 1 pintail.

Proposal Source: Larry Strasbaugh, San Luis Obispo, Ca (fax received 8/22/06)

Recommendation: Accept.

Analysis: This bag limit fits within the Federal frameworks and is the Department's recommendation.

- (v) Description of Proposed Action by Public: Recommends the Balance of State Zone to begin November 4 and close the last Sunday in January (86-day season).

Proposal Source: Joe Carrancho, Maxwell, CA (letter received 8/21/06)

Recommendation: Reject.

Analysis: The Department's recommendation of 100 days fits within the Federal frameworks and allows maximum hunting opportunity. Reducing the hunting season to 86 days is an unnecessary restriction.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:  
California Fish and Game Commission  
1416 Ninth Street  
Sacramento, California 95814

VIII. Location of Department files:

Department of Fish and Game  
1416 Ninth Street  
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

1. Continue with a 100-day season but allow hunting past the last Sunday in January for Small Canada geese in the North Coast Special Management Area.
2. Propose an 86-day continuous season for waterfowl and a duck daily bag limit of 7 in all zones.

(b) No change Alternative:

1. The No Change Alternative would keep the Shasta Valley in the Balance of State Zone. Continuing with Shasta Valley in the Balance of State Zone does not allow for maximum hunting opportunity.
2. The No Change Alternative would not increase the goose season length in the North Coast Special Management Area to 107 days and not allow hunting past the last Sunday in January for Small Canada geese only. Continuing with a 100-day season that ends on the last Sunday in January does not use hunting to reduce crop depredation on private land and continues to allow unchecked population growth of Aleutians. This would lead to greater depredation complaints on the northwest coast of California in the spring.

3. The No Change Alternative would not increase the white-fronted goose daily bag limit to either 3 or 4 in the Northeastern Zone. Continuing with the current dark goose daily bag limit is an unnecessary restriction.
  4. The No Change Alternative would not increase the white-fronted goose daily bag limit to 4 in the Southern San Joaquin Valley and Balance of State zones. Continuing with the current white-fronted goose daily bag limit is acceptable if Oregon does not liberalize regulations on white-fronts.
  5. The No Change Alternative would not increase the black brant season length to 30 days. Continuing with a 15-day season is an unnecessary restriction, and does not comply with the Flyway Management Plan.
  6. The No Change Alternative would keep the existing season lengths and dates and duck daily bag limits in all zones. The California Breeding Pair Survey has not been completed and analyzed and the federal frameworks have not been set. Changes in the existing regulations could result if specific dates and bag limits are proposed before the above items are completed.
- (c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:  
  
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

## **Updated Informative Digest/Policy Statement Overview**

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits. In addition to the six proposals contained herein, the U.S. Fish and Wildlife Service (Service), after analysis of waterfowl population survey and other data, may also initiate changes in Federal regulations which will require changes in existing and proposed regulations in California. Changes in Federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. Five (items 1 through 5) of the six proposed changes to state regulations require changes in the Federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 19, 2006. The Service will consider these and other recommendations at their meeting on July 26-27, 2006. Item 6 (including the table) below proposes a range of season dates and bag limits for waterfowl. At this time, the California Breeding Pair Survey has not been conducted and the Service has not established Federal regulation "frameworks" which occurs in late July after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public. Also, minor editorial changes were made to clarify and simplify the regulations and to comply with existing Federal frameworks.

The Department's proposals are as follows:

1. Modify the existing boundary in the Northeastern Zone to include Shasta Valley in the Northeastern Zone.

The U.S. Fish and Wildlife Service approved this change.

2. Increase the Small Canada goose season length in the North Coast Special Management Area to 107 days, (split the Small Canada goose season into 2 segments) and allow hunting for Small Canada geese from February 24 until March 10.

The U.S. Fish and Wildlife Service approved this change.

3. Increase the white-fronted goose daily bag limit to either 3 or 4 in the Northeastern Zone. An increase to 4 is contingent upon a spring hunt in Oregon.

The U.S. Fish and Wildlife Service approved a 4/day limit for white-fronted geese in the Northeastern Zone.

4. Increase the white-fronted goose daily bag limit to 4 in the Southern San Joaquin Valley and Balance of State zones, contingent upon a spring hunt in Oregon.



The U.S. Fish and Wildlife Service approved this change.

5. Increase the black brant season length to 30 days.

The U.S. Fish and Wildlife Service approved this change.

6. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days for all hunting methods. A range of daily bag limits is also given for ducks in all zones and geese in the Northeastern California, Southern San Joaquin Valley, Southern California, Balance of State, and Colorado River zones. Also, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone. See the following table for season and bag limit ranges.

The following table has been amended from the version in the Initial Statement of Reasons to reflect the Department's regulation recommendations consistent with the Federal frameworks as established July 31, 2006. Federal frameworks allow general duck seasons to be as long as 107 days in the Pacific Flyway with a 7-bird daily duck bag limit (including Mallards); that the pintail and canvasback seasons could be as long as the general duck season with a 1-bird bag limit; and that other proposals from California (see above) were accepted. The Department recommends a 7 bird daily bag limits for Mallards, however a range from 5-7 in total and a range of 1-2 hen Mallards is maintained in the summary table to provide flexibility to the Commission in response to public comment on this particular issue.

In response to public recommendations, five changes from the Initial Statement are incorporated herein relative to season length and bag limits. 1) In the Balance of State and Southern San Joaquin Valley zones, the original recommendation was a daily bag limit of 3 Large Canada geese and the revised proposal is for a 4-bird daily bag limit of Large Canada geese in these zones. 2) In the Southern San Joaquin Valley Zone, the original recommendation was for a duck season of between 38 and 100 days; the revised proposal increases the length of duck season in that Zone to 102 days. 3) The proposal to split the duck season in the Southern San Joaquin Valley Zone in combination with the proposed regulations for falconry hunting in that Zone, would result in hunting in excess of the 107 days allowed under Federal frameworks; the proposal is amended to recommend falconry hunting for ducks only. 4) The proposal for 107 days of hunting for Small Canada geese in the North Coast Special Management in combination with the proposed regulation for falconry in the Balance of State Zone (the North Coast Special Management Area is within the Balance of State Zone) causes a conflict with Federal falconry regulations, and falconry regulations are proposed to change in the North Coast Special Management Area to provide separate limits and seasons for ducks and geese taken by falconry in the Special Management Area. 5) The original proposal included a recommendation for a Late Season (February 24 – March 10) hunt for Small Canada geese in the North Coast Special Management Area

to address depredation problems on private lands. The proposal is revised to stipulate that hunting during this late season can occur only on private lands.

**The Commission adopted the following specific regulations at the August 24, 2006 meeting.**

AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
<b>Statewide</b>	Coots & Moorhens	Concurrent w/duck season	25/day. 25 in possession
<b>Northeastern Zone</b>	Ducks	Oct 7 - Jan 19	7/day, <b>7 mallards, 2 hen mallards</b> , 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 7 – Jan 14	4/ day, up to 4 white geese, up to <b>4</b> white-fronts, up to 2 Large Canada geese, only 1 Small Canada goose. Possession limit double the daily bag.
<b>Southern San Joaquin Valley Zone</b>	Ducks	Oct 7 – Oct 29 and Nov 11 – Jan 28	7/day, <b>7 mallards, 2 hen mallards</b> , 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 28	4/ day, up to 4 white geese, up to <b>4</b> white-fronts, up to <b>4</b> Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
<b>Colorado River Zone</b>	Ducks	Oct 20 – Jan 28	7/day, <b>7 mallards, 2 hen mallards</b> or Mexican-like ducks, 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 20 – Jan 28	6/ day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
<b>Southern California Zone</b>	Ducks	Oct 21 – Jan 28	7/day, <b>7 mallards, 2 hen mallards</b> , 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 28	5/day, up to 4 white geese, up to 3 dark geese. Possession limit double the daily bag.
<b>Balance of State Zone</b>	Ducks	Oct 21 – Jan 28	7/day, <b>7 mallards, 2 hen mallards</b> , 1 pintail, 1 canvasback, 2 redheads, 3 scaup. Possession limit double the daily bag.
	Geese	Oct 21 – Jan 28	4/ day, up to 4 white geese, up to <b>4</b> white-fronts, up to <b>4</b> Large Canada geese, up to 4 Small Canada geese. Possession limit double the daily bag.
<b>SPECIAL AREA REGULATIONS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
North Coast	All Canada Geese	Oct 31 – Jan 28 and Feb 24 – Mar 10, except for Large Canada geese which are closed after the last Sunday in January. Only private lands are open to hunting during any season beyond the last Sunday in January.	4/day, only 1 may be a Large Canada goose. Possession limit double the daily bag.
South Humboldt Bay	All species	Closed during brant season	
Sacramento Valley (West)	White-fronted geese	Closed after Dec 14	2/day. Possession limit double the daily bag.
Morro Bay	All species	Open in designated areas only	
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	Nov 4 – Dec 3	2/day. Possession limit double the daily bag.
Balance of State Brant	Black Brant	<b>Nov 12 – Dec 11</b>	2/day. Possession limit double the daily bag.
<b>YOUTH HUNTING DAYS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	

Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
<b>FALCONRY TAKE OF DUCKS</b>	<b>SPECIES</b>	<b>SEASON</b>	<b>DAILY BAG &amp; POSSESSION LIMITS</b>
Northeastern Zone	Same as regular season	Oct 7 – Jan 19	3/ day, possession limit 6
Balance of State Zone	Same as regular season.	Oct 21 – Feb 4	
North Coast Special Management Area	Ducks	Oct 21 – Feb 4	
	Geese	Concurrent with Small Canada goose season. See 502(d)(5)(D)1	
Southern San Joaquin Valley Zone	Ducks only	Concurrent with duck season and Jan 29-31	
Southern California Zone	Same as regular season	Oct 21 – Feb 4	
Colorado River Zone	Ducks only	Oct 20 – Feb 2	

ADDENDUM TO FINAL STATEMENT OF REASONS  
AMEND SECTION 502, TITLE 14, CCR  
RE: WATERFOWL HUNTING

VI. Summary Of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations. – Continued

- (w) Description of Proposed Action by Public: Supports continued hunting and fishing at Morro Bay.

Proposal Source: Jason Johe (testimony 8/24/06)

Response: Support of continued hunting and fishing noted. However, this proposal cannot be addressed by these regulations. Hunting in Morro Bay Wildlife Area is permitted by sections 550-551, Title 14.

- (x) Description of Proposed Action by Public: Regarding the special hunt for Aleutian Canada geese in the North Coast Special Management Area, private landowners shouldn't be in charge of who gets to hunt. He requested some type of equal opportunity procedure to ensure all hunters would have a chance to hunt.

Proposal Source: Walt Mansell, California Rifle and Pistol Association (letter dated 7/25/06 and testimony 8/24/06)

Response: This proposal cannot be addressed by these regulations. The Fish and Game Commission has the authority to promulgate waterfowl hunting regulations, but access to private property is under the control of the private landowner. (See also response (aa) below.)

- (y) Description of Proposed Action by Public: Regarding the special hunt for Aleutian Canada geese in the North Coast Special Management Area, private guides should not be able to negotiate with landowners to obtain exclusive control to the hunting access on the private land.

Response: This proposal cannot be addressed by these regulations. The Fish and Game Commission has the authority to promulgate waterfowl hunting regulations, but access to private property and contracting with guides are under the control of the private landowner.

- (z) Description of Proposed Action by Public: Regarding the special hunt for Aleutian Canada geese in the North Coast Special Management Area, hunts should be conducted in much the same way and under the same general rules and regulations as those used to manage waterfowl hunting

on state wildlife areas and federal refuges; and hunter access fees should not exceed the daily fees for hunting on state and federal areas.

Response: This proposal cannot be addressed by these regulations. The Fish and Game Commission has the authority to promulgate waterfowl hunting regulations, however, management of private lands, including access, use, and access fees, if any, are under the control of the landowner.

- (aa) Description of Proposed Action by Public: Regarding the special hunt for Aleutian Canada geese in the North Coast Special Management Area, the Department should enlist volunteer help from local sportsmen's clubs and organizations to help manage the hunt.

Response: This proposal cannot be addressed by these regulations. The Fish and Game Commission has the authority to promulgate waterfowl hunting regulations, but does not have the authority to direct the Department to enlist volunteers to manage this hunt. However, the S.H.A.R.E. Program (Fish and Game Code sections 1570-1574) was created to enlist private landowners to provide access to private property for hunting and fishing. At the Commission's August 24, 2006 meeting, Mr. Bill Gaines, announced that approximately 20 private landowners have signed up through the S.H.A.R.E. Program for this special hunt and that the California Waterfowl Association and the California Outdoor Heritage Alliance would notify hunters how to enter the lottery for these private lands hunts.